

# **EXHIBIT 3**

**Subject:** Re: Apple Compliance Notice  
**Date:** Friday, March 8, 2024 at 3:24:02 PM Eastern Standard Time  
**From:** Perry, Mark  
**To:** Yonatan Even  
**CC:** Gary Bornstein  
**BCC:** Perry, Mark  
**Attachments:** image001.jpg, image002.jpg

Yonatan,

Your question about 3.1.3 has been answered by Apple in a March 5 post here:

<https://developer.apple.com/news/>

The schedule proposed below is acceptable to Apple. Although we may need to seek an extension of time once we see your motion in light of other commitments, we'd prefer to get any issues resolved promptly.

Thanks.

MAP



**Mark A. Perry**  
Appeals and Strategic Counseling Co-Head

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**From:** Yonatan Even <YEven@cravath.com>  
**Date:** Monday, February 26, 2024 at 6:30 PM  
**To:** Mark Perry <Mark.Perry@weil.com>  
**Cc:** Gary Bornstein <GBornstein@cravath.com>  
**Subject:** RE: Apple Compliance Notice

Mark:

Your email does not respond to our question concerning a clarification or amendment of Apple's Guidelines 3.1.3, the express language of which still prohibits all steering as to applications covered by that Guideline, including multiplatform services. See Guideline 3.1.3 (prohibiting covered apps other than Reader Apps from "encourag[ing] users to use a purchasing method other than in-app purchase"). The link that you provided does not address the question either. We ask that you please provide a substantive answer on that issue promptly.

As to the timing of any filing, we propose the following briefing schedule:

Epic opening: March 12  
Apple response : April 2  
Epic reply: April 12

Please let us know if that timeline is acceptable.

Yonatan

**Yonatan Even**

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**From:** Perry, Mark <Mark.Perry@weil.com>  
**Sent:** Wednesday, February 21, 2024 5:30 PM  
**To:** Yonatan Even <YEven@cravath.com>  
**Cc:** Gary Bornstein <GBornstein@cravath.com>  
**Subject:** Re: Apple Compliance Notice

Yonatan,

As I explained during our call: (1) apps approved to use the StoreKit External Purchase Link Entitlement (US) must comply with the terms of that entitlement; and (2) apps that provide Multiplatform Services may (if approved) use the StoreKit External Purchase Link Entitlement (US). Many issues concerning the entitlement are addressed at this developer resource page, which is updated periodically:

<https://developer.apple.com/support/storekit-external-entitlement-us/>.

We note that Epic's January 30 "notice" to the Court stated that "Epic is in the process of meeting and conferring with Apple regarding a briefing schedule for Epic's forthcoming motion." We understand that the scheduling discussions will take place in advance of the filing of any motion by Epic. Accordingly, please let us know when you intend to file.

Thanks.

MAP



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**From:** Yonatan Even <[YEven@cravath.com](mailto:YEven@cravath.com)>  
**Date:** Monday, February 19, 2024 at 8:04 PM  
**To:** Mark Perry <[Mark.Perry@weil.com](mailto:Mark.Perry@weil.com)>  
**Cc:** Gary Bornstein <[GBornstein@cravath.com](mailto:GBornstein@cravath.com)>  
**Subject:** Apple Compliance Notice

Mark:

Thank you for the call last week. It is Epic's understanding, based on your representations on the call, that (1) "Links to Other Purchase Methods" incorporated under a specific entitlement, as defined in Guideline 3.1.1(a) and consistent with the various rules therein, is the only in-app steering mechanism Apple allows developers to utilize; and (2) Multiplatform Services subject to Guideline 3.1.3(b) may obtain entitlements to "Links to Other Purchase Methods", notwithstanding Guideline 3.1.3's prohibition on "Apps in this section", which include Multiplatform Services, from "within the app, encourag[ing] users to use a purchasing method other than in-app purchase" (with a single exception for Reader Apps, which is not implicated here).

Please confirm the above understanding. In addition, please let us know how Apple intends to modify Guideline 3.1.3 or otherwise inform all developers of Apple's position on point (2) above, given the inconsistency between Apple's position as stated on our call and the plain language of Guideline 3.1.3.

Regards,

**Yonatan Even**

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